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MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD C4TA - J2 814 SAN JOSE, CA 95120			EXAMINER PITARO, RYAN F	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREAS DIEBERGER and DULCE BEATRIZ PONCELEON

Appeal 2008-005633
Application 10/034,499
Technology Center 2100

Decided: June 30, 2010

Before JAMES D. THOMAS, THU A. DANG, and CAROLYN D.
THOMAS, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF CASE

Appellants appeal the Examiner's second rejection of claims 1-10, 13, 15 and 17-23 under 35 U.S.C. § 134(a). Claims 11, 12, 14 and 16 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellants, the invention relates to graphical user interfaces and more specifically to visualizing and navigating dynamic content in a graphical user interface without requiring the use of conventional scrolling techniques (Spec. 1, ll. 4-6).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and reproduced below:

1. A method for visualizing dynamic documents in a graphical user interface, comprising:

generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution;

updating said summary view to reflect changes in said dynamic document; and

triggering an enhancement of said summary view by cursor brushing.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Chen	US 6,625,624 B1	Sep. 23, 2003
Ayyar	US 2002/0140722 A1	Oct. 3, 2002

Koike, “TimeSlider: An Interface to Specify Time Point,” User Interface Software (UIST) Symposium, 43, 44 (1997).

Claims 1, 2, 4-10 and 17-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Koike.

Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Chen.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Ayyar.

II. ISSUES

Has the Examiner erred in finding that Koike teaches “generating a summary view of at least one dynamic document ..., using a condensed abstract representation of a search term density distribution” (claim 1), as Appellants contend?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Koike

1. Koike discloses a TimeSlider which allows users to specify a point in time, wherein small marks on the time scale represent the time points when the desk top changes. (col. 1, ll. 35-41; Fig. 1).
2. In keyword search, when the user types keywords into the text field and pushes the button, TimeSlider displays marks which correspond to points at which there are items which include keywords (col. 3, ll. 45-50; Fig. 1).

IV. ANALYSIS

35 U.S.C. § 102

Claims 1, 2, 4-10, and 17-23

As to independent claim 1, Appellants contend that “[a]s taught in the specification on page 16, lines 1-18, markers represent the frequency with which search terms occur in the portion of the document represented by that marker, using relative darkness, color, and patterns for example to represent different densities” (App. Br. 6). Accordingly, Appellants contend that “Koike presents no search term density information, only small tick marks to indicate that at least one instance of a search term occurred” (*Id.*).

However, the Examiner finds that Koike’s “small tick marks to indicate that at least one instance of a search tem occurred. . . . convey[] density to the user by displaying a tick mark if there is an instance and not displaying one if there is not” (Ans. 8). In particular, the Examiner explains

that “[a] user would then realize that positions with marks include some instance of the term, but only those with tick marks” thereby “[m]aking the positions with tick marks more dense than those without tick marks” (*Id.*).

Appellants’ contention that markers use “relative darkness, color, and patterns for example to represent different densities” (App. Br. 6) is not commensurate in scope with the language of claim 9. That is, we agree with the Examiner that “Applicant is trying to limit search term density to mean density represented by relative darkness, color and patterns; however none of these limitations are present in the claims” (Ans. 8).

Thus, an issue we address on appeal is whether Koike teaches “generating a summary view of at least one dynamic document ..., using a condensed abstract representation of a search term density distribution” as specifically recited in claim 1.

We give the claims their broadest reasonable interpretation. *See In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004). Moreover, we will not read limitations from the Specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

Claim 1 does not place any limitation on what “density” means, includes, or represents, other than reciting that the “condensed abstract representation” is of “a search term density distribution.” We therefore interpret “density” as meaning a condition of being dense. Given the above claim constructions, we interpret “generating a summary view of at least one dynamic document ..., using a condensed abstract representation of a search term density distribution” (claim 1) as reading on generation of any summary view using representations of search terms of various densities, i.e., conditions of being dense.

Koike discloses providing small marks on a time scale (FF 1), wherein the marks correspond to points at which there are items which include keywords (FF 2). We agree with the Examiner's application of Koike's marks to the limitation of "condensed abstract representation of a search term density distribution" as required by claim 1 (Ans. 3). In particular, we find that the dark marks on the time scale as shown in Koike are abstract representations of high density, while areas without marks on the time scale are abstract representations of low density. That is, we agree with the Examiner that "the positions with tick marks [are] more dense than those without tick marks" (Ans. 8). Thus, we find that the Examiner did not err in rejecting claim 1 and independent claims 8, 22, and 23 falling therewith, and claims 2, 4-7, 9, 10, and claims 17-21 depending therefrom under 35 U.S.C. § 102(b).

35 U.S.C. § 103(a)

Claims 3, 13, and 15

As to claims 3 and 15, Appellants merely argue that "Chen does not address dynamic documents" (App. Br. 7). Similarly, as to claim 13, Appellants merely argue that Ayyar "does not describe dynamic documents at all" (*Id.*).

Appellants appear to be arguing that Chen and Ayyar do not individually disclose the claimed invention. However, the Examiner has rejected claims 3 and 15 based on the combination of Koike and Chen, and has rejected claim 13 based on the combination of Koike and Ayyar. Nonobviousness cannot be shown by attacking the references individually. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

The Examiner finds that Koike discloses such teachings of dynamic documents, and thus, Koike in view of Chen discloses such dynamic documents of claims 3 and 15 while Koike in view of Ayyar discloses such dynamic documents of claim 13 (Ans. 6-7). As we find no deficiencies with respect to Koike as discussed above with respect to claim 1, we also affirm the rejection of claims 3 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Koike and Chen, and the rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Koike and Ayyar.

V. CONCLUSIONS

Appellants have not shown the Examiner erred in finding that claims 1, 2, 4-10, and 17-23 are anticipated by the teachings of Koike.

Appellants have not shown the Examiner erred in concluding that claims 3 and 15 are unpatentable over the teachings of Koike and Chen.

Appellants have not shown the Examiner erred in concluding that claim 13 is unpatentable over the teachings of Koike and Ayyar.

VI. DECISIONS

The Examiner's decisions rejecting claims 1, 2, 4-10, and 17-23 under 35 U.S.C. § 102(b) and rejecting claims 3, 13, and 15 under 35 U.S.C. § 103(a) are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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peb

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